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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO. 735 OF 2015
WITH
CIVIL APPLICATION NO. 894 OF 2015**

Kamal S. Makharia & Anr.	.. Appellants
Vs.	
Mayadevi S. Makharia	.. Respondent

Ms. Kamana Kapoor for the Appellants.
Mr. Prajot H. Jaggi for the Respondent.

CORAM : G. S. KULKARNI, J.
DATE : 28th NOVEMBER, 2016.

P. C. :

1. Heard learned counsel for the parties. This appeal is filed challenging the order dated 13.04.2015 passed by the learned Trial Judge in Notice of Motion No. 790 of 2015 in S. C. Suit No. 695 of 2015. By the impugned order the learned Trial Judge has granted ad interim reliefs in terms of prayer clauses (a) and (b) of the said Notice of Motion. The appellants/defendants being aggrieved by the said order have preferred this appeal.

2. Learned counsel for the parties jointly submitted that the Notice of Motion itself is kept for hearing by the learned Trial Judge on 09.12.2016. This court, by an order dated 30.04.2015 directed that the parties maintain status quo as prevailing on 30.04.2015. The said order of this Court is admittedly continued till date. Considering the above

circumstances, it is appropriate that the Notice of Motion itself is heard and decided. The order dated 30.04.2015 passed by this Court granting status quo shall continue to operate till the Notice of Motion is finally decided by the Trial Court. In these circumstances, the appeal does not require any further adjudication. The parties are directed to appear before the Trial Court with a request to Trial Court to take up the hearing of the Notice of Motion. The learned counsel for the appellant undertakes to co-operate with the respondent/plaintiff for expeditious hearing of the Notice of Motion and that no unnecessary adjournments would be taken to delay the matter before the Trial Court. In case of any attempt on the part of the appellant to delay the matter, it would be open to the respondent/plaintiff to move an appropriate application for vacating of the order of status quo.

3. The Appeal from Order is, accordingly, disposed of in the above terms.

4. All contentions of the parties on merits of the matter are expressly kept open.

5. In view of the disposal of the appeal, Civil Application No. 894 of 2015 does not survive and stands disposed of.

[G. S. KULKARNI, J.]